

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/119,636	07/21/98	LEE	J CIT/P-001

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CHANTILLY VA 20153-1200

LM31/0324

 EXAMINER

NAKHJAVAN, S

ART UNIT	PAPER NUMBER
2721	5

**DATE MAILED:** 03/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/119,636	LEE ET AL.	
	Examiner Shervin Nakhjavan	Art Unit 2721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 8/1, 13, 18/13, and 19 is/are rejected.
- 7) Claim(s) 2-7, 8/7, 9-12, 14-17, and 18/17 is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
    1. received.
    2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
    3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- |  |  |
|--|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 15) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 19) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8/1, 13, 18/13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirano et al. (U.S. 5,553,277).

Regarding Claims 1, 13, and 19, Hirano teaches, an application menu selecting and activating method using an image cognition, comprising the steps of: recognizing a pattern position by a pattern cognition per predetermined time period (Column 7, Lines 52-58, Image compression is done following original image input in a short period of time); selecting a menu when the recognized pattern position is within a certain pattern region containing predetermined menus; and activating the selected menu (Column 8, Lines 59-65); determining a pattern position on a screen by scanning a predetermined pattern region (Column 7, Lines 22-26); and further comprising: a camera for capturing an image (Column 7, Line 22); and a display means for displaying the image received from the camera (Figure 15, Item 143d), designating a particular region of the externally applied image, and selecting a required menu when a pattern is positioned on a corresponding region (Column 4, Lines 23-36, discusses image parts to be processed),

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limitation of Claim 8/1, and 18/13, the recognizing of the pattern position is performed on the ground of one of the two different patterns, and the activating of the menu is performed on the ground of the other of the two different patters (Column 12, Lines 40-45, Item 146a is the ground of one pattern and 146b is the ground of the other).

***Allowable Subject Matter***

Claims 2-7, 8/7, 9-12, 14-17, and 18/17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other prior art cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,617,312 to Iura et al. is cited for computer system that enters control information by means of video camera.

U.S. Patent 5,454,043 to Freeman is cited for dynamic and static hand gesture recognition through low-level image analysis.

U.S. Patent 5,319,747 to Gerrissen et al. is cited for data processing system using gesture-based input data.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shervin Nakhjavan whose telephone number is (703)

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306-5916. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, DC 20231

**Or faxed to:**

(703) 308-9051 OR (703) 308-9052 (for **formal** communications, please mark "**EXPEDITED PROCEDURE**")

**or:**

(703) 306-5406 (for **informal** or **draft** communications; please label "PROPOSED" or "DRAFT").

**Hand delivered responses** should be brought to Crystal Park 2, 2121 Crystal drive, Arlington, VA, sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist, whose telephone number (703) 305-3900.



Shervin Nakhjavan  
Patent Examiner  
Group Art Unit 2721  
March 21, 2000. S.N.